

PROB 12C
Rev 2/03**United States District Court**

for

Southern District of Ohio**Petition for Warrant or Summons for Offender Under Supervision**Name of Offender: **Natasha M Wise**Case Number: **1:02CR00124**Name of Sentencing Judicial Officer: **The Honorable Susan J. Dlott
United States District Judge**Date of Original Sentence: **February 3, 2003**Original Offense: **Embezzlement of Bank Funds, in violation of 18 USC §§ 652 and 2, a class B felony.**Original Sentence: **1 day prison, 60 months supervised release**Type of Supervision: **Supervised Release**Date Supervision Commenced: **February 3, 2003**Assistant U.S. Attorney: **Robert A. Behlen, Jr, esq.**Defense Attorney: **James Grey Wolf, esq.**

PETITIONING THE COURT

- ☐ To issue a warrant
☐ To issue an Order to Appear and Show Cause
☒ To grant an exception to revocation without a hearing.

Violation NumberNature of Noncompliance

#1

Condition #7: You shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;

On December 19, 2005, January 17, and ~~November 20, 2006~~, Wise submitted urine specimens which returned positive for usage of marijuana. On February 27, 2006, Wise submitted a urine specimen which returned positive for cocaine. Therefore, there have been four positive drug tests within the last 365 days.

It should be noted, 18 USC §3583(g)(4) requires revocation for testing positive for drug usage more than three times within the same 365 time period. However, there is an exception clause under 18 USC § 3583(d) that the Court may consider. The exception clause allows for the supervision to be continued, if the Court finds that the availability of appropriate substance abuse treatment programs or that the individuals's current or past performance in treatment warrants an exception.

This is the second exception request submitted to the Court.

U.S. Probation Officer Recommendation:

As the Court is aware, Wise has had a host of problems, including mental health and substance abuse issues. The Court granted the first exception clause on February 8, 2006 as a result of Wise having submitted more than three positive drug tests within the same 365 day time period. An electronic monitoring modification was also requested, and the Court granted it. Wise was not able to maintain a telephone, so she was not able to complete the four month period of electronic monitoring, and at present, she is still without a telephone. The Court also imposed a modification requiring Wise to have no contact with Allen Turner, her co-defendant, and a source of some of her problems.

The treatment strategy has been to use the mental health treatment to stabilize Wise, so she would not resort to self medicating through the usage of marijuana and/or cocaine. However, she is still using marijuana as evident by her recent positive urine specimen on November 20, 2006. This officer will now refer Wise for substance abuse treatment to make her more accountable for her drug usage and provide her access to other resources. Wise was previously in substance abuse treatment, and there was some success. This officer would like to continue to work with Wise to try to get control of the substance abuse issue.

Therefore, based on these reasons, this officer is respectfully recommending the Court grant the exception clause under 18 USC § 3583(d).

The term of supervision should be:

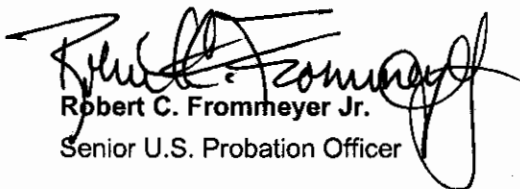
- ☐ Revoked.
- ☐ Extended for years, for a total term of years.
- ☒ Continued based upon the exception to revocation under 18 USC § 3583(d)
- ☐ The conditions of supervision should be modified as follows:


I declare under penalty of perjury that
the foregoing is true and correct.

Approved,

Executed on November 27, 2006

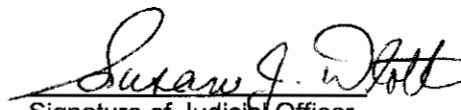
by


Robert C. Frommeyer Jr.
Senior U.S. Probation Officer


John Cole
Supervising U.S. Probation Officer
Date: 11-29-06

THE COURT ORDERS:

- ☐ No Action
- ☐ The Court finds that there is probable cause to believe the defendant has violated the conditions of his/her probation/supervised release and orders the Issuance of a Warrant for his/her arrest.
- ☐ The Issuance of an Order to Appear and Show Cause
- ☒ The Court finds the defendant can benefit from continued substance abuse treatment and grants an exception to revocation. The supervision term of the defendant is continued under all original terms and conditions.
- ☐ Other


Signature of Judicial Officer
December 1, 2006
Date